

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Mysore Coffee Curring Works Ltd Chikmagalore.

Award of the District Judge and *Ex-officio* Presiding Officer. Labour Court, Chikmagalur published.

Read the following papers:

(1) Letter No. 10352/1970 dated 21st December 1970 from Shri S. B. Sawkar, District Judge and *Ex-officio* Presiding Officer, Labour Court, Chickmagalur.

IN THE COURT OF THE DISTRICT JUDGE AND
EX OFFICIO PRESIDING OFFICER, LABOUR COURT,
CHICKMAGALORE.

Dated this 19th day of December, 1970.

Present

Sri S. B. Sawkar, LL.B., District Judge and *Ex-officio* P. O.

Reference No. 6 of 1970.

Sri Annegowda by the Secretary, Estates Staff Union of South India, ESUSI house. Vijayapura Extension, Chikka-magalur. *I Party*

Vs.

The Management of Mysore Coffee Curing Works Ltd. Chikmagalur. *II Party*

Reference No. 9/69 on the file of the Labour Court, Bangalore since transferred and registered as Neference No. 670.

Ref: Government Order No. FCL 715 LLD 68 dated 8th January 1969.

ORDER

This is a reference made by the Government of Mysore under the provisions of Sec. 10 (1)(c) of the Industrial Disputes Act 1947, of the dispute between one Sri Annegowda, a workmen by the Secretary, Estates Staff Union of South India ESUSI House, Vijayapura, Chikmagalur, (hereinafter referred to as party No. I) and the Management of Mysore Coffee Curing Works Ltd., Chikmagalur, (hereinafter referred to as party No. II.

2. The points of dispute are:—

1. Whether the Management of Mysore Coffee Curing Works Ltd., Post Box No. 23, Chickmagalur justified in retiring Sri Annegowda their employee from service with effect from 10th April 1968?

2. If not, to what relief is the worker entitled to?

3. The case of the first party workman is that he was working under the second party Coffee Curing Works, for about 20 years. On 4th January 1968, the second party issued a memo No. 1817 stating that the first party workman has been superannuated with effect from 10th April 1968. It is submitted that the workman has not attained the age of superannuation and he had given his date of birth purely out of memory. As per the birth certificate issued by the Tahsildar, Hassan, he attains the age of 53 years on 8th January 1968. Hence this petition for reinstatement of the workman and payment of back wages and continuity of service.

4. The second party by its counter statement among other things contended that as per the horoscope submitted by the first party workman, his birth date is 10th April 1913. His service register is maintained on the basis of the said horoscope furnished by him as long back as 1956. The date of superannuation as per the birth date mentioned in the said horoscope would be 10th April 1968. Accordingly, he was superannuated.

5. The affidavit of one Sri Boraiah a relative of the workman Annegowda that the birth date of Annegowda is 18th February 1920 cannot be accepted. Similarly, the letter written by the Estates Staff Union dated 17th June 1968 and the certified copy in form A purporting to be the date of birth of workman Anne

gowda cannot be of any use to the workman. The date of birth of Annegowda is nowhere mentioned therein as 8th January 1915. From the contents of this document it cannot be said that it refers to the workman Annegowda, The memo issued by the second party superannuating the first party workman is quite legal and proper and he is not entitled to any reliefs sought for.

6. On these pleadings, the following issues were framed

1. What is the age of I Party?
2. Whether II Party was not justified in retiring I party on the basis of the age as per the Horoscope furnished by I Party;
3. Whether I party is entitled to be reinstated with continuity of service and back wages:
4. To what relief, if any, is I party entitled to,

5. On 11th November 1970, when the case was taken up for evidence, both the parties filed a memo stating that the dispute between the two has been amicably settled between them and that the first party does not press for further proceedings in the matter. Both the parties admitted the contents of this memo to be correct. In view of this memo filed by both the parties, the dispute does not any more survive between the two and the reference has got to be rejected as desired by them. Hence I pass the following order.

ORDER

Reference is rejected. No order as to costs.

Dictated to the stenographer, transcribed and then pronounced in open Court this 19th December 1970.

S. B. SAWKAR
*District Judge and Ex-officio
 Presiding Officer, Labour Court,
 Chikmagalur.*

'True Copy'

*District Judge and Ex-Officio,
 Presiding Officer, Labour Court,
 Chikmagalur.*